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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,483	05/08/2001	Jack J. Johnson	113071.129-US1	3783
28089	7590	06/03/2009	EXAMINER	
WILMERHALE/NEW YORK			OYEBISI, OJO O	
399 PARK AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022			3696	
			NOTIFICATION DATE	DELIVERY MODE
			06/03/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JACK JOHNSON and WILLIAM F. COYLE

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Application 09/851,483  
Technology Center 3600

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Mailed: June 2, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*.  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on May 19, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on November 06, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to consider the Reply Brief filed November 06, 2008 as indicated above; and

2) for such further consideration

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

EWH/jgr

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